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Senate meets in secret

BY ALBERT SEHLSTEDT, JR.
Washington Bureau of The Sun

Washington—The Senate held another secret session yesterday to discuss Senator Mike Gravel's efforts to make public a classified assessment of the Vietnam war prepared by the White House three years ago.

The Alaska Democrat's proposal was the subject of a two-hour, closed-door session. Afterward, Senator Robert C. Byrd (D., W.Va.), the Democratic whip, said the secret proceedings would be published in the *Congressional Record's* Saturday edition.

Decision not clear

The Senate also had met in closed session Tuesday to debate the Gravel proposal, and the proceedings of that session will be printed in the *Record*, too.

However, it was not clear if the Senate would agree to the publication of the White House study which Mr. Gravel wants. The substance of the Vietnam review, called National Security Study Memorandum No. 1, already has been published in several newspapers.

Last week, Senator Gravel asked for the Senate's unanimous consent to make public a section of the study dealing with the bombing in Vietnam but Senator Robert P. Griffin (R., Mich.), assistant minority leader, objected.

28 questions posed

Senator Gravel has not said how he obtained the copy of the study.

The Vietnam assessment evolved from a series of 28 questions about the war which had been posed by President Nixon's foreign affairs adviser, Henry A. Kissinger, to the State and Defense departments and the Central Intelligence Agency.

The questions dealt with the effectiveness of the bombing, the viability of the Saigon government and other matters.

After receiving answers from the agencies, Kissinger prepared a 40-page summary of the responses for the President's use.

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I think if we pass the section that the Stennis amendment would knock out, this would add immeasurably to the chances they will give up. Mr. President, you cannot blame these people. There is not a living man in all of South Vietnam who has not been in a war. They have been fighting for over 25 years, either while the French were there or in the battle of the South against the North. These people are tired of war, and the people of North Vietnam are tired of war. We are learning through Japanese intelligence sources that they are about ready to quit. Their economy has suffered to the point that it would probably take five uninterrupted years to get it back on its feet. They suffer losses of food, and as in the case of all people, they have grown tired of conflict.

I would hope that over this weekend all of my colleagues would give this matter real study. I know how tempting it is to stand on the floor of the Senate and offer suggestions on how to end the war; I know how tempting it is to vote for these measures; but we are at a point in history where I think that even having this language spread on the Record and having this language contained in a bill will be detrimental to our efforts not only in Vietnam but around the world.

I think the least we can do is to take this language out and then after the conflict has been decided, have those people on this floor who want more control over the presidential war powers introduce an amendment to the Constitution that would change the intent of the Constitution which now, in my opinion, confers the exclusive right and power of war and peace to the President; but let us not act at this time on the matter that could be of embarrassment to the President, and I would say that if the President happened to be a member of the opposite party. After all, the President, is an office; he is not a man, he is an office created by our Constitution.

I think the least that we Americans, particularly those serving in the Congress, should do is show respect for that office and recognize the problems of that office at this particular time, and recognize, too, that the President is about to embark upon what could be a very meaningful visit to the capital of communism, and realize that he, through his actions, has reduced our forces in Vietnam from over 550,000 down to 69,000.

We have to think of those 69,000 men. As I said the other day, if they are trapped at Danang, that is an almost indefensible point. The airfield could be destroyed, in my opinion, from the surrounding hills without too much effort, and the embarkation of ships from the harbor could be controlled by the Communists at the narrow mouth of the harbor.

The same applies to the concentrations at Camranh, where we have billions of dollars worth of equipment that we want to protect and bring home as much as we can. This is also an indefensible area, different in nature from Danang, but nevertheless indefensible, and our men would be there at the mercy of the Communists should anything happen that would allow them to come down the country without any resistance.

I have more optimism than pessimism. I think Vietnamization of South Vietnam forces has been more successful than many people believe. I think in many respects their air force equals ours, their naval force, for practical purposes, does a better job than ours, and their communications are as good as ours. The question is how many divisions they have battle ready, and I think we are going to find that out in the next week or 10 days.

This is a weekend to do a lot of big thinking—thinking about whether we should be voting for something that could be of utmost damage to the United States, or should we be wise and not vote on this at all, but strike the language from the bill and allow the bill to pass in the form that would enable the State Department to continue to operate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE RAIL PASSENGER SERVICE ACT OF 1970

Mr. MAGNUSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 11417.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 11417) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MAGNUSON. Mr. President, I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. HARTKE, Mr. HOLLINGS, Mr. BEALL, and Mr. WEICKER conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

VIETNAM: IN THE EIGHTH YEAR OF THE AMERICAN ORDEAL

Mr. CHURCH. Mr. President, last month, still another voice was added to the chorus out of the past, when the current Secretary of State solemnly testified that the war in Vietnam had entered a new era. In an attempt to justify the resumption of massive American bombing of North Vietnam, Mr. Rogers argued that the Hanoi Government had now invaded its neighbor to the south; that its indirect aggression had become direct; and that the Vietnamese struggle could no longer be regarded as a civil war.

Thus was delivered up, in hearings before the Senate's Committee on Foreign Relations, the latest addition to our collection of myths concerning this misbegotten war. The mind boggles at our seemingly limitless capacity for self-deception.

It is no new war, it is the same war still. The introduction into South Vietnam of regular troops from the North began years ago, and their numbers have steadily increased. As early as 1969, for instance, North Vietnamese regulars comprised about 70 percent of the enemy forces inside South Vietnam. The magnitude of the present invasion may be greater, but the character of the war is no different than before.

The reasons for our intervention, grown hollow over the years, have long since been discredited. One by one, they have fallen of their own rotten weight. The latest excuse for the renewal of our bombing and shelling of North Vietnam is utterly unresponsive to the only sensible question left to be asked: Why are we still there?

Why has Congress supinely supported our part in this disastrous and divisive war, after three Presidents have failed either to end it or win it? Why do we keep on voting the money? Are we so timid that we dare not cross a President?

If so, we have sunk to the low estate of the British Parliament at the turn of the 19th century, when England and France were locked in protracted war. Charles James Fox arose to address the House of Commons on February 3, 1800. His words apart from the elegance of phrase which graced his period, are so uncannily relevant to our own predicament that they could be uttered in this chamber on this very day.

— Listen to his words:

Sir, my honorable and learned friend has truly said that the present is a new era in the war. The Right Honorable Chancellor of the Exchequer feels the justice of the remarks; for by traveling back to the commencement

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CIA, Military Differed Over Mines

By Anthony Marro

Newsday Washington Bureau

Washington—Through both the Johnson and Nixon administrations, the Central Intelligence Agency and the Joint Chiefs of Staff have disagreed sharply on the benefits of mining the North Vietnamese port of Haiphong.

The joint chiefs have favored the action. They have long maintained that if all imports from sea were cut off—and if land routes through Laos and Cambodia and rail lines from China were vigorously bombed—the North Vietnamese could not obtain sufficient supplies to continue the war effort.

The CIA has opposed it. The agency has argued that even the combination of mining and unlimited bombing could not halt the flow of supplies, and that the results would not be worth the risk of provoking the Soviet Union.

A secret National Security Council staff study commissioned by presidential adviser Henry A. Kissinger in 1969 showed the CIA and joint chiefs "in total disagreement" on the question. Unless the CIA position has changed since then, it appeared last night that President Nixon had cast his lot with the generals.

The dispute between the intelligence agency and the generals surfaces both in the so-called "Pentagon Papers," which are still classified top secret even though large segments have been published in paperback editions, and in the National Security Council study commissioned by Kissinger. Newsday was among a number of newspapers to obtain portions of the latter study, which was titled National Security Study Memorandum No. 1, or simply NSSM-1.

The Pentagon Papers show that, as early as May 23, 1967, the CIA opposed proposals by the military to mine the harbor as early as May 23, 1967. An agency memo then warned that such action "... would place Moscow in a particularly galling dilemma as to how to preserve the Soviet position and prestige in such a disadvantageous place."

It added that if this were done, the Soviets "should be expected to send volunteers, including pilots, to North Vietnam; to provide some new and better weapons and equipment ... and to show across-the-board hostility toward the U.S. (interrupting any on-

going conversations on ABMs, non-proliferation, etc.)."

The Pentagon Papers also show that this CIA analysis was later buttressed by then-Ambassador to the Soviet Union Llewelyn Thompson, who wrote on March 1, 1968:

"Mining of Haiphong harbor would certainly provoke strong Soviet reaction. As a minimum, I would expect them to provide minesweepers, possibly with Soviet naval crews ..."

Two days later, on March 3, 1968, a Pentagon staff group working for then-secretary of Defense Clark Clifford also shot down the proposal, saying first that "it has become abundantly clear that no level of bombing can prevent the North Vietnamese from [carrying on the war in the South]," and then turning to the port.

"The remaining issue on interdiction of supplies has to do with the closing of the Port of Haiphong," it continued. "Although this is the route by which some 80 per cent of North Vietnamese imports come into the country, it is not the point of entry for most of the military supplies and ammunition. These materials predominantly enter via the rail routes from China ..."

This was the argument the CIA returned to in the 1969 study, when it, the State Department, the Defense Department, the Joint Chiefs of Staff and others all were asked to submit their evaluations of the merits of mining the port.

The NSSM-1 papers obtained by Newsday show that the CIA position in 1969 was this:

• Total interdiction of seaborne imports would be difficult because shall-

low-draft lighters could be used to unload cargo from oceangoing ships anchored outside the mined harbor areas.

• That even if all imports from sea were blocked, all of the war-essential imports could be brought into North Vietnam over rail lines from China.

• That while air strikes would destroy transport facilities, equipment and supplies, they could not successfully prevent supplies from reaching the North.

The Joint Chiefs of Staff position in NSSM-1 was that the flow of supplies could be stopped to the point where the North Vietnamese could not continue the war in the South, but only by preventing both seaborne imports and rail imports from China.

The joint chiefs estimated that "a minimum of 6,000 attack sorties per month" would be required against the two rail lines from China.

The bombing of the rail and road systems would have to be "free of the militarily confining constraints which have characterized the conduct of the war in the North in the past," they warned. "The concept would preclude attacks on population as a target, but would accept high risks of civilian casualties in order to achieve destruction of war-supporting targets ..."